IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 17046 of 2006(D)

PETITIONER:

M/S.KAMALA INTERNATIONAL TOURIST HOTEL,
S.R.M.ROAD, KANNUR, PIN-670 001,
REP. BY ITS MANAGING PARTNER P.K.MANOHARAN,
S/O.P.V.BALAKRISHNAN NAIR, AGED 46,
RESIDING AT RAJESWARI BHAVAN, AZHIKODE,
KANNUR.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

RESPONDENTS:
---

1. THE KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

2. THE SPECIAL OFFICER (REVENUE),
VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE,
KANNUR.

4. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION,
BURNACHERRY, KANNUR.

BY ADV. SRI.C.K. KARUNAKARAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF DEMAND NOTICE DATED 14.12.2004

EXT.P2 TRUE COPY OF THE ORDER DATED 18.4.2005

EXT.P3 TRUE COPY OF THE REQUEST DATED 15.6.2005

EXT.P4 TRUE COPY OF DEMAND NOTICE DATED 6.9.2005 ISSUED BY THE SECOND RESPONDENT.

EXT.P5 TRUE COPY OF OBJECTIONS SUBMITTED BY THE PETITIONER ON 19.9.2005

EXT.P6 TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 22.9.2005

EXT.P7 TRUE COPY OF THE DEMAND NSOTICE DATED 20.10.2005 ISSUED BY THE 2ND RESPONDENT.

EXT.P8 TRUE COPY OF THE REPLY NOTICE DATED 28.10.2005

EXT.P9 TRUE COPY OF THE DEMAND NSOTICE DATED 21.6.2006

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 17046 OF 2006

Dated this the 12th day of June, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for KSEB. Petitioner, which is a hotel, was granted concessional tariff from February 1994 to July 1995 without noticing withdrawal of industrial tariff to hotels. This mistake was corrected in 1996. Instead of paying the amount, petitioner contested the liability which led to series of proceedings last of which is Ext.P4 wherein it is seen that the Board has charged Rs. 2.85 lakhs towards interest. Petitioner has already paid entire liability in three instalments, first of which is credited in Ext.P4 itself and the balance Rs. 1 lakh was paid pursuant to interim order dated 30.6.2006 and another Rs. 31,000/- was paid under interim order dated 13.3.2007 which are issued in this W.P. The contention of the petitioner is that mistake is committed by the Ele. Board and therefore interest cannot be charged. Standing counsel contended that interest is demanded only for period of default after raising addl. bill. Even though interest is technically chargeable I feel all through there is

conditional stay order issued by this Court in various W.Ps. including this W.P. In the circumstances, I reduce the interest to Rs. 75,000/-, provided petitioner pays it on or before 30.6.2007. If payment is not made, waiver of balance interest granted will stand vacated.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge